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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,349	05/05/2006	Yoshiyuki Koba	2006_0650A	5093
513 7590 11/02/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER SCHILLER, ALINA	
			ART UNIT 3671	PAPER NUMBER
			MAIL DATE 11/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,349	KOBA, YOSHIYUKI	
	Examiner	Art Unit	
	Alina Schiller	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/2006 & 9/7/2006</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: in page 13, line 14, "connecting" should be "connecting; page 20, line 7, "motarized" should be "motorized". Appropriate correction is required.

Claim Objections

Claim 7 is objected to because of the following informalities: in line 2, "finising" should be "finishing". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Neuber, Jr. 5,909,981.

Regarding claim 1, Neuber discloses a floor surface finishing device (as seen in Figs. 2, 3, 5) comprising: a plane leveling machine (16) having a plurality of rotary blades which rotate in a propeller manner (col. 1, lines 37-40; 63) by a driving force while keeping in contact with a floor surface (100) to be finished, and a planar finishing

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blade (30) which is connected to the plane leveling machine (as seen in Fig. 5; col. 3, lines 21-23; col. 4, lines 20-22) and is disposed exteriorly of outer peripheral regions of planes of rotation of the rotary blades (as seen in Figs. 5 and 6), wherein said fishing blade is disposed so that at least a part of the finishing blade is brought into contact with the floor surface after the rotary blades have come into contact with and passed over the floor surface (as seen in Fig. 3).

Regarding claim 2, the finishing blade is slanted to have an angle of attack toward a pivotal center of the rotary blades (Fig. 4, col. 4, lines 44-45; 48-52; col. 5, lines 33-34; 40-41).

Regarding claim 3, the device further comprises an angle adjusting mechanism for varying an angle of attack of the finishing blade (Fig. 3, col. 5, lines 30-31; 33-44).

Regarding claim 4, the finishing blade is movable in a direction including a moving direction along a pivotal center of the rotary blades (col. 5, lines 19-23; 25-27; 38; 63; col. 6, lines 47-48).

Regarding claim 5, the device further comprises a pressing means for pressing the finishing blade against the floor surface to be finished (col. 5, lines 14-24; col. 6, lines 8-12).

Regarding claim 7, the finishing blade is rotatable around the rotary blades (col. 5, lines 18-22; 27; 38-39; 63-64; col. 6, lines 26; 47)

Regarding claim 9, the finishing blade is detachable from the plane leveling machine, since the finishing blade is coupled to the plane leveling machine by a support assembly (col. 4, lines 20-22; as seen in Fig. 5).

Regarding claim 10, the device further comprises a seat (160, Fig. 5) for an operator provided on a part of the plane leveling machine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neuber, Jr. 5,909,981 in view of Nelson 5,379,479.

Neuber discloses a floor surface finishing device as previously set forth, but fails to disclose that the pressing means is a plumb bob. Nelson teaches using a plumb bob (28, Fig. 1) to provide all the downward force necessary to the blade (12) (col. 3, lines 4-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Neuber to use a plumb bob as the pressing means, in order to provide all the downward force necessary to the blade, as taught by Nelson.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neuber, Jr. 5,909,981 in view of Majewski 6,264,397.

Neuber discloses a floor surface finishing device as previously set forth, but fails to disclose that at least a part of the finishing blade is formed of a flexible elastic plate.

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Majewski teaches that the finishing blade is made of thin flexible spring steel (col. 2, lines 34-35), which is considered to meet the limitation in claim 8, so as to be capable of being suitably bent (col. 2, lines 35-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Neuber to have at least a part of the finishing blade formed of a flexible elastic plate, as that of Majewski, in order to be capable of being suitably bent, as taught by Majewski.

Conclusion

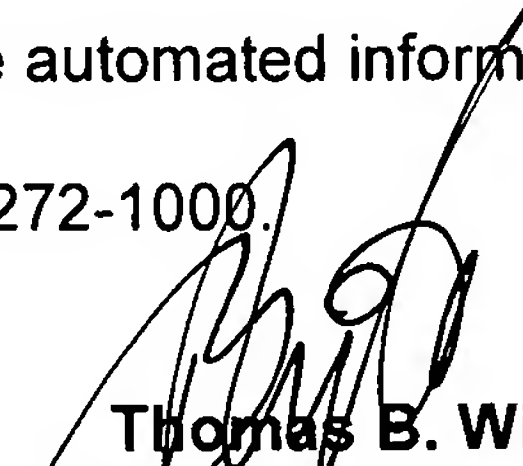
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina Schiller whose telephone number is (571)270-3088. The examiner can normally be reached on Mon-Fri, 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571)272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas B. Will
Supervisory Patent Examiner
Art Unit 3671

AS
10/25/2007